

11/5/2018 9:44 am

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

DR. ARIF S. IZMIRLIGIL, * Case No. 17-CV-06157 (JFB)
*
Plaintiff, * Central Islip, New York
* October 16, 2018
*
v. *
*
SELECT PORTFOLIO SERVICING, *
INC., et al., *
*
Defendants. *
*
* * * * *

TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONE CONFERENCE
BEFORE THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: DAVID L. SINGER, ESQ.
The Law Offices of David L.
Singer, P.C.
150 Broadhollow Road
Suite 122
Melville, NY 11747

For the Defendant, Select KENNETH J. FLICKINGER, ESQ.
Portfolio Servicing, Inc.: Eckert, Seamans, Cherin &
Mellott, LLC
10 Bank Street, Suite 700
White Plains, NY 10606

For the Defendant, Assurant, FRANK G. BURT, ESQ.
Inc.: Carlton Fields Jorden Burt, PA
1025 Thomas Jefferson
Street, N.W.
Washington, DC 20007

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1 (Proceedings commenced at 1:50 p.m.)

2 THE CLERK: Calling case 16-CV-3209, Izmirligil v.
3 Select Portfolio Servicing. Counsel, please state your
4 appearance for the record.

5 MR. SINGER: Good afternoon. This is David L.
6 Singer, the plaintiff's attorney, the moving attorney.

7 THE COURT: Good afternoon.

8 DR. IZMIRLIGIL: This is Dr. Izmirligil, the
9 plaintiff. Good afternoon, Judge.

10 THE COURT: Good afternoon.

11 MR. BURT: This is Frank Burt and Brian Perryman for
12 American Security Insurance Company and Assurant, Inc.

13 MR. FLICKINGER: And this is Ken Flickinger, from
14 Eckert, Seamans, Cherin & Mellott, for defendant, Select
15 Portfolio Servicing, Inc.

16 THE COURT: Okay. Good afternoon. This is Judge
17 Bianco. As you know, I scheduled this because I received Mr.
18 Singer's order to show cause asking that the court grant his
19 application to withdraw from the representation in the case.

20 I did also receive Mr. Izmirligil's letter, or I
21 should say submission, in response to that and that -- excuse
22 me -- his declaration with exhibits. And I also received Mr.
23 Singer's response to that.

24 And I just -- the reason I wanted you on the line,
25 Mr. Izmirligil, is it appears to me that the relationship has

1 completely broken down. There's no way Mr. Singer could
2 continue to represent you in this action and it appears that
3 you agree with that and are seeking new counsel to represent
4 you in the case. Is that accurate?

5 DR. IZMIRLIGIL: Yes.

6 THE COURT: Okay. In terms of your request that you
7 had said I only consent -- based upon dishonesty by the
8 attorney under the local rule, I just want to make clear that
9 I'm not ruling on any of the allegations that you have
10 asserted. That's obviously something you could continue to
11 pursue independent of this lawsuit that you have against these
12 defendants.

13 My ruling is based simply on the fact that the
14 relationship, no matter who's right or wrong, is completely
15 broken down and there's no way Mr. Singer could represent you,
16 given the allegations that are being made.

17 So the motion is granted. And how long, Mr.
18 Izmirligil, do you need to try to find an attorney? Is 30
19 days sufficient?

20 DR. IZMIRLIGIL: 60 days is all right, Judge.

21 THE COURT: I'm sorry. 60 you said, or 30?

22 DR. IZMIRLIGIL: 60 days. Two months.

23 THE COURT: Two months? Okay. That's reasonable,
24 but that should be plenty of time. Please don't ask me for
25 another extension of that, you know, after 60 days, because

1 that should give you plenty of time to find someone.

2 And my understanding from defendant's counsel, that
3 the case is in discovery, correct?

4 MR. BURT: Yes, Your Honor.

5 THE COURT: Okay. So I don't -- I'm not going to
6 schedule another conference. I'm just -- I will advise the
7 magistrate judge, Judge Tomlinson, that obviously, once a new
8 attorney comes in for Mr. Izmirligil, that she should continue
9 with the supervision of the discovery process.

10 So 60 days from today, Mr. Izmirligil, is -- say
11 December 17th. So an attorney should file what's called a
12 notice of appearance in the case by December 17th.

13 If an attorney fails to do that by that date, Mr.
14 Izmirligil, you need to write me a letter explaining why that
15 hasn't happened. Okay?

16 (No response.)

17 Understood?

18 DR. IZMIRLIGIL: Yes. Understood.

19 THE COURT: All right. Is there anything else
20 anyone need to raise with the court today?

21 MR. BURT: No, Your Honor.

22 MR. FLICKINGER: No, Your Honor.

23 THE COURT: All right. Thank you very much. Have a
24 good day.

25 MR. BURT: Thank you.

1 MR. FLICKINGER: Thank you.

2 (Proceedings concluded at 1:54 p.m.)

3 I, CHRISTINE FIORE, Certified Electronic Court Reporter
4 and Transcriber, certify that the foregoing is a correct
5 transcript from the official electronic sound recording of the
6 proceedings in the above-entitled matter.

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8 

9 _____ November 1, 2018

10 Christine Fiore, CERT